

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 11, 2005 PLANNING COMMISSION MEETING

PROJECT #: Waiver #05004

PROPOSAL: Waive sidewalk associated with Linde Subdivision final plat #96067
LOCATION: N. 45th St. north of Huntington Ave.

LAND AREA: 0.244 acres

CONCLUSION: Linde Addition final plat was approved on December 6, 1996. The subdivision ordinance requires that sidewalks be installed within four years of the final plat approval.

There are no unusual circumstances that would warrant the waiver of sidewalk for Lots 1 & 2 Linde Subdivision. The installation of the sidewalk does not create a hardship or injustice to the subdivider.

RECOMMENDATION:

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1 & 2, Linde Subdivision

EXISTING ZONING: R-5 Residential

EXISTING LAND USE: Single family and two-family residential

SURROUNDING LAND USE AND ZONING:

North:	R-5 Residential	Single-family/two-family residential
South:	R-6 Residential	Multiple family residential
East:	R-6 Residential	Multiple family residential
West:	R-5 Residential	Single-family/two-family residential

HISTORY:

December 6, 1996 Linde Subdivision was approved by the Planning Director.

COMPREHENSIVE PLAN SPECIFICATIONS:

"Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents." (F-18)

"Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile." (F-19)

"Streets and public spaces should be safe, comfortable, and interesting to the pedestrian." (F-19)

"Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process." (F-66)

"Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods." (F-66)

The sidewalk system should be complete and without gaps." (F-89)

ANALYSIS:

1. This is a request to waive the sidewalk on N. 45th St. associated with Linde Subdivision.
2. N. 45th St. is a gravel street with no sidewalks on either side of the street. However, there are sidewalks on Huntington Ave. and the proposed sidewalk would connect with the sidewalk on Huntington Ave.
3. Public Works & Utilities Department memo of April 20, 2005 states that the sidewalk should be able to be protected when the street is paved.
4. The applicants letter states that the location of the mailbox was determined by the City. Public Works & Utilities Department memo states that the mail box location is not determined or required by the City in any permitting requirements or codes.
5. The 2025 Comprehensive Plan encourages walking and interconnected sidewalks.
6. Section 26.11.040(a) of the Land Subdivision Ordinance states, "Sidewalks along non-major streets shall be installed prior to the City issuing an occupancy permit or within four years following final plat approval, whichever occurs first." This plat was approved on December 6, 1996. The applicant has had over 8 years to install the sidewalk.
7. Section 26.31.010 of the Land Subdivision Ordinance states, "Whenever a lot, tract, or parcel of land is of such unusual size or shape or is surrounded by such

development or unusual condition that the strict application of the requirements contained in these regulations would result in actual difficulties or substantial hardship or injustice, the subdivider may request a modification of such requirements. There are no difficulties or hardships that would preclude the applicant from installing the sidewalk.

Prepared by:

Tom Cajka
Planner

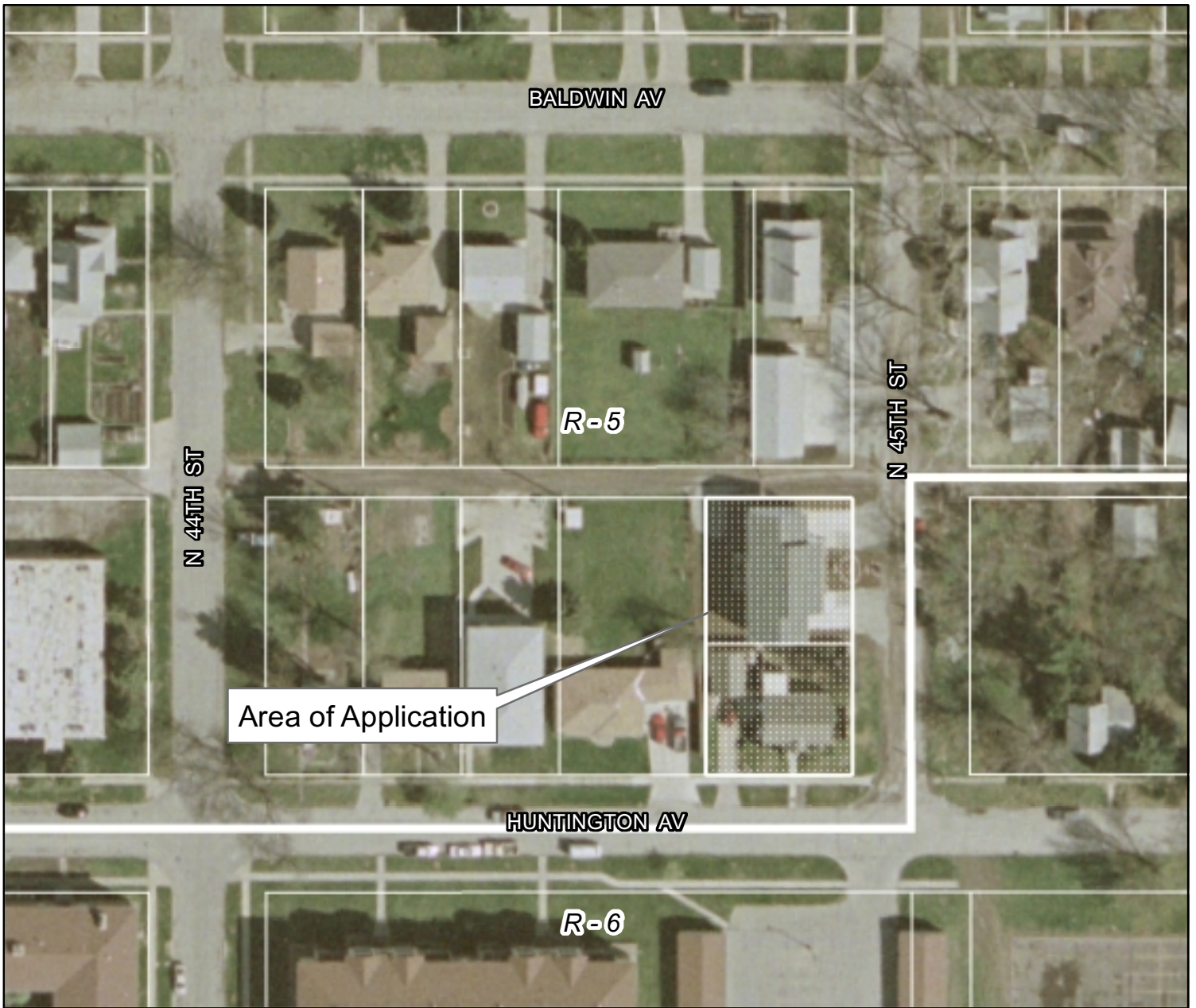
DATE: April 22, 2005

APPLICANT: Linde Matthiesen
4444 Huntington Ave.
Lincoln, NE 68504
(402) 499-2100

OWNER: same as applicant

CONTACT: same as applicant

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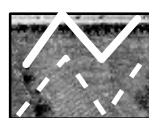
2002 aerial

Waiver #05004 N. 45th & Huntington Ave.

Zoning:

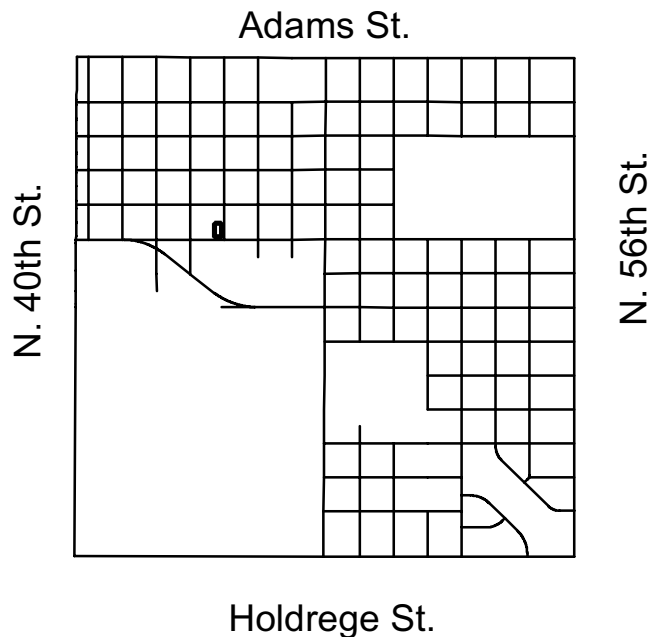
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 17 T10N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



Memorandum

To:	Tom Cajka, Planning Department
From:	Charles W. Baker, Public Works and Utilities
Subject:	2521 North 45th Street Sidewalk Waiver #05004
Date:	April 20, 2005
cc:	Randy Hoskins Harry Kroos

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for 2521 North 45th Street Sidewalk Waiver #05004 and recommends denial of this request.

The sidewalk installation was a requirement of the subdivision of the lot at the time of replatting.

The requirement of the sidewalk is necessary to make a connection to the north in the future.

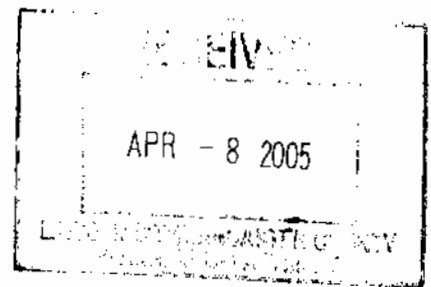
The installation of the landscaping and mail box placement came at a time after the residence was issued an occupancy permit. The mail box location is not determined or required by the City in any permitting requirements or codes as stated by the owner in her letter of request.

The additional cost to this owner to make the improvements that were required are not a hardship, they are part of meeting the requirements that were set up front at the time of replatting this piece of property.

The sidewalk should have been installed at the time the driveway was poured and the area between the face of the sidewalk and the street could have remained gravel.

The sidewalk area should be able to be protected when the street is paved. Storm sewer construction is placed in the roadway or as close to the curb line as possible in most cases, not under sidewalk adjacent to property lines. The future paving of 45th Street should not require a storm sewer system to be installed. There is adequate grade change to surface drain this one block area and utilize an underground system for collection that is in place in Huntington at 44th Street.

April 6, 2005



Lincoln-Lancaster County Planning Department
555 South 10th Street Room 213
Lincoln, NE 68508

RE: Waiver of Sidewalks at 2521 North 45th Lincoln, NE 68504

Dear Planning Director:

My name is Linde Matthiesen, I am a single homeowner and have resided at 4444 Huntington Ave. Lincoln, NE for nearly 15 years. I have done numerous improvements to the property in the years I have owned it including maintenance, updating and pride of ownership. In May 2001, I constructed a duplex behind (north) of my home at 2521 North 45th St. In the subdivision, it was requested to build a sidewalk in front of the duplex. I am here before the planning department requesting that the sidewalks be waived for the following reasons:

1. See Diagram of layout of Corner of 45th & Huntington Ave. going North to 45th & Baldwin. There are no sidewalks on west or east side from Huntington Ave. to Baldwin on 45th street.
2. 45th street is an unpaved street and unimproved. Street lighting for 45th & Huntington, Gravel and grading on 45th street was done because of my requests.
3. The mailbox and landscaping will need to be removed and reinstalled to make way for the sidewalk. The city required me to put the mailbox in that location to meet with their codes at the time of construction, now wanting me to tear out concreted and landscaped area where the mailbox now exists.
4. If sidewalk was to be installed, then the driveways in front of the duplex which are partial gravel and partial cement (due to city recommendation not to bring drive all the way to street) would be uneven and therefore require me to additional costs of \$2,800.00 to complete the layout of the driveways.
5. If at any time in the future 45th street is to be paved, the sidewalks **and** my driveways would need to be torn up when storm sewer and street construction take place.
6. My Costs for installing these sidewalks would not only mean \$2,400.00 for the sidewalks alone, but the cost for tearup of driveways and mailbox and hardscape landscaping that I was required to put in that location by the city at the time of construction.

7. Finally, City Sidewalk Inspector, Harry Crose has met with my concrete contractor and have visually inspected this area. After the meeting, my contractor confirmed my concerns about placement at this time of these sidewalks. The adjacent neighbors have not been required to place sidewalks on their property because the street is unpaved.

8. Sidewalks are north on Baldwin Ave. on the next Block But not south of Huntington Ave.

Please review this diagram and these photo's I have supplied for you. I hope you will honor my request to waive the placement of sidewalks with the information I have supplied for you. Please contact me if you have any further questions.

Sincerely,



Linde Matthiesen
4444 Huntington Ave.
Lincoln, NE 68504

449-2100



proposed
sidewalk



View Looking North Down 45th St.

